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TO: EXAMINER Jamieson W. FishEXAMINER'S TELEPHONE NUMBER 571-272-7307ART UNIT 2617SERIAL NO. 09/821,028FROM: Edward W. GoodmanREGISTRATION NO. 28,613PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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Enclosed: R116 Response + Cover

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Edward W. Goodman

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atty. Docket

SRINIVAS GUTTA ET AL.

PHUS 010108

Serial No.: 09/821,028

Group Art Unit: 2617

Filed: March 30, 2001

Examiner: J.W. Fish

Title: ENTERTAINMENT RECEIVER ACTIVATED IN RESPONSE TO
RECEIVED PROGRAM CONTENT AND METHOD OF OPERATING SAME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is an amendment in the above-identified
application.


[X] No additional fee is required.

[] The fee has been calculated as shown below.

CLAIMS AS AMENDED				
	Claims remaining after amendment	Highest number previously paid for	Number extra	Rate Additional Fee
Total Claims	19 Minus	20 ¹ =	X \$50 =	\$
Independent Claims	2 Minus	3 ² =	X \$200 =	\$
Multiple Dependent Claims, if any. If not previously paid, \$360.				\$
Total Additional fee for this amendment				= \$

¹If less than 20, enter 20. ²If less than 3, enter 3.

Please charge any fees which may be required, except the
issue fee, or credit any overpayment to Deposit Account No.
14-1270.


Edward W. Goodman, Reg. 28,613
914-333-9611

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

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SRINIVAS GUTTA ET AL.

PHUS 010108

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ENTERTAINMENT RECEIVER ACTIVATED IN RESPONSE TO RECEIVED PROGRAM
CONTENT AND METHOD OF OPERATING SAME

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Sir:

RESPONSE UNDER 37 C.F.R. 1.116

This is in response to the Office Action mailed July 13, 2005, in which the Examiner finally rejected claims 1-8, 11-17, 21 and 22 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,748,237 to Bates et al. The Examiner has further finally rejected claims 10 and 20 under 35 U.S.C. 103(a) as being unpatentable over Bates et al. in view of U.S. Patent 6,813,775 to Finseth.

Applicants traverse the above rejections and offer the following explanation.

The Bates et al. patent discloses automated selection of audio broadcast signal source based on user preference criterion, in which "program information, e.g., in the form of program information packets, is embedded within the digital data stream"

PHUS010108-AMT-080505

1